

# ORIGINAL

Erik F. Stidham (ISB No. 5483)  
efstidham@stoel.com  
G. Rey Reinhardt (ISB No. 6209)  
grreinhardt@stoel.com  
STOEL RIVES LLP  
101 S. Capitol Boulevard, Suite 1900  
Boise, ID 83702-5958  
Telephone: (208) 389-9000  
Fax Number: (208) 389-9040

Attorney for Defendant InterDent Service Corporation

U.S. COURTS

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## UNITED STATES DISTRICT COURT

### DISTRICT OF IDAHO

POCATELLO DENTAL GROUP, P.C., an  
Idaho Professional Corporation

Plaintiff,

v.

INTERDENT SERVICE  
CORPORATION, a Washington  
Corporation

Defendant.

Case No.: CV-03-450-E-LMB

INTERDENT SERVICE CORPORATION'S  
MOTION AND MEMORANDUM TO  
CONDUCT EXPEDITED DEPOSITIONS

InterDent Services Corporation ("ISC") requests that this Court allow the parties to conduct expedited discovery prior to complying with FRCP 26(d). See *Stanley v. University of So. California*, 13 F.3d 1313, 1326 (9th Cir. 1994). This Motion is made based on this Memorandum, Affidavit of Erik F. Stidham, filed concurrently herewith, and pleadings previously filed by the parties to this lawsuit.

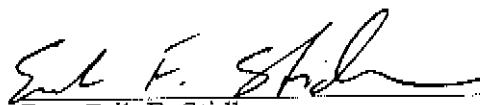
The Complaint, Memorandum, and supporting affidavits filed by Plaintiffs make serious allegations against ISC. (See Affidavit of Erik F. Stidham ("Stidham Aff.") filed concurrently herewith at ¶ 2.) Also, the Complaint, Memorandum and affidavits filed by Plaintiffs raise

issues regarding the motives and credibility of the witnesses. Plaintiffs did not provide ISC notice prior to obtaining the temporary restraining order that is currently in place. Accordingly, ISC should be allowed to conduct discovery in aid of its defense.

ISC has been in contact with plaintiffs counsel regarding discovery issues. (Stidham Aff. at ¶ 3.) While plaintiffs counsel has made some efforts to make individual witnesses available, there are issues which have prevented the depositions from going forward. (*Id.* at ¶ 4.) For example, Dr. Baker and Dr. Dean, two of the individuals who signed affidavits on behalf of plaintiffs, are demanding that they be compensated \$1,600.00 per hour respectively for their depositions. (*Id.*) Likewise, Dr. Romriell contends that he must be paid an hourly rate for his deposition time. (*Id.* at ¶ 5.) Dr. Romriell's counsel will only agree to an expedited deposition of Dr. Romriell based on certain conditions. (*Id.*)

Accordingly, InterDent asks that the Court allow expedited discovery occur so that InterDent is allowed to subpoena witness and conduct all other appropriate discovery on an expedited basis.

DATED this 4<sup>th</sup> day of November, 2003. STOEL RIVES LLP



By: Erik F. Stidham  
Attorney for Defendant  
InterDent Service Corporation

**CERTIFICATE OF SERVICE**

I hereby certify that I served the foregoing **InterDent Service Corporation's Motion to Conduct Expedited Depositions** on the following named person(s) on the date indicated below by

- ☐ mailing with postage prepaid
- ☐ hand delivery
- ☒ facsimile transmission
- ☐ overnight delivery

to said person(s) a true copy thereof, contained in a sealed envelope, addressed to said person(s) at his or her last-known address(es) indicated below.

Gary L. Cooper  
Ron Kerl  
James P. Price  
COOPER & LARSEN  
151 N. 3rd Avenue, Ste. 210  
PO Box 4229  
Pocatello, ID 83205-4229  
Phone: (208) 235-1145  
Fax: (208) 235-1182

Lowell N. Hawkes  
Law Office of Lowell N. Hawkes, Chtd.  
1322 East Center  
Pocatello, ID 83201  
Phone: (208) 235-1600  
Fax: (208) 235-4200

DATED: this 4<sup>th</sup> day of November, 2003.



Erik F. Stidham  
Attorneys for Defendant